

DILLSBURG BANNER



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Twenty-five Cents

Sgt. Fishel found not guilty of gross negligence

By Marie Chomicki

Sgt. James Fishel, 45, of the Carroll Township Police Department, has been found not guilty of any gross negligence by a panel of 6 jurors last Thursday for his involvement in the traffic deaths of two Union County sisters last Mother's Day, May 14, 1989.

The decision followed a two day coroner's inquest held in Dauphin County Courthouse, where 22 witnesses were subpoenaed. All witnesses were sequestered in another room until they testified.

The accident occurred at the intersection of Route 15 and Glenwood Road, just south of Dillsburg at 11:25 a.m. Heather, 9, and Michelle, 12, daughters of Michael and Pauline Street, of Mifflinburg were both pronounced dead at Harrisburg Hospital by Deputy Coroner Lee Rung. Heather died either enroute to or at the hospital minutes following the two car accident. Michelle passed away later that afternoon.

According to Dauphin County Coroner Graham S. Henrick, the purpose of the inquest was to show evidence to decide whether the deaths were "due to natural causes or criminal acts or gross negligence." The jury was instructed by Henrick to use their understanding of human nature to help judge the truth.

Six jurors and one alternate were chosen from a total of 12. All jurors selected held driver's licenses. Those not selected included two who had "fixed opinions" involving the case and one who was either related to or knew the parties involved.

Witnesses questioned by Deputy Attorney General William S. Helm, included traffic reconstruction experts, insurance representatives, passing motorists, emergency medical technicians and firefighters. There was no cross examination.

In the beginning of his testimony, Mr. Street, 37, broke down in tears as he described the morning spent with his girls preparing breakfast for Pauline.

Following breakfast, he said they left their home at approximately 10:00 a.m. enroute to Gettysburg to have lunch with his parents for Mother's Day. They were not in a hurry and had no luncheon reservations.

It was a familiar route to Mr. Street, he had traveled it "at least 100 times." On the morning of the accident, he said there was a "light rain and it was cloudy." The traffic was "busy, pretty busy in both directions." His 1986 Sedan Seville had both it's headlights and windshield wipers on.

Street testified he was in the right lane headed south on Route 15, coming up a slight hill, when, as he approached the intersection, a black car "came up to the road real quick, coming from the right."

Street said his first response was that the car was going to run the stop sign, so he went slightly into the left lane. He said he noticed his wife reacted by putting her hand on the dash.

He knew then it was a police car and immediately looked at his speedometer and saw he was going a "hair over 60" and took his foot off the accelerator.

He then got back in the right lane, because the cruiser had stopped.

Street claims at this point Fishel was "looking right at me" that they had made "eye contact."

When Street thought the policeman saw him, he put his foot back on the accelerator.

Then at that time, Street testified the black car pulled out "quickly, like in a hurry."

Street "hit the brake with all his might" and tried to go behind the car. Both parents turned around to yell at the girls. Street noticed Michelle, who was behind Pauline, put her hand up to brace herself.

The car went up in the air and slammed perpendicular into the cruiser. Heather emitted a "God awful scream." There was so much smoke he thought the car was on fire. He kicked the door open and picked Heather up. She was unconscious.

Street felt that had he gone straight he would have definitely collided with the police car, so he instinctively felt it was best to go behind it.

Pauline Street testified that it was a "drizzly, dreary day" that they were in no hurry and seemed to be more traffic than normal.

Pauline said she first saw the dark car coming up to the intersection area, "real fast." She put her hand on the dash to brace herself.

"Just as we got to him he barreled out in front of us," she testified. "I felt tried to beat us across."

After the cars collided, she kicked open her door and unbuckled Michelle, screaming for someone to get an ambulance. Michelle got up and doubled over. Pauline said her daughter felt clumsy to the touch, so she got a blanket from the car. The fire departments were the first to arrive, she said.

James Fishel, a 16 year veteran of the Carroll Township Police Department, and Sgt. for three, was on the 6:00 a.m. to 2:00 p.m. shift when the accident occurred.

Fishel said he started the day out in the office with some paper work and then stopped at Baker's Restaurant for breakfast. There he chatted to Jack and Catherine Nester, Mary Baker, the owner, and Rita the waitress. He said it was a very quiet day and had had no calls.

The weather was "rainy, foggy," said Fishel, "a dreary day." The road was wet and his

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Pennsylvania State Troopers at the scene of the Mother's Day accident last May 14th measure distance and record data during their investigation of the fatal crash.

Trooper Michael DelPezzo (standing) of the York Barricks testified that the Street vehicle was going 70.8 mph before the crash.

File Photo

No criminal charges to be filed

By Marie Chomicki

Attorney General Ernie Preate Jr.'s office announced last Tuesday, February 13, that there will be no criminal charges filed against Sgt. James Fishel for his involvement in the traffic deaths of two Mifflinburg sisters.

The verdict of not guilty, reached by a Dauphin County Coroner's inquest into the

accident was instrumental in making this decision.

Following two days of testimony, the jury ruled on February 1, that Fishel was not grossly negligent. (See story above).

York County District Attorney Stanley Rebert asked the attorney general's office to handle

the case, since he had already let his opinion known when he rejected a private complaint made by the Street's a couple months after the accident.

He claimed that there was not enough evidence of gross negligence to convict Fishel on vehicular homicide charges.

Rebert did not file criminal charges against Fishel at the time of the accident either.

On October 12, Common Pleas Judge Richard H. Horn overruled Rebert, allowing the family to file charges.

After this ruling Rebert turned the matter over to Preate's office.

Before she finds meaning in life

Dillsburg resident tells of long and troubled years

by Mary Lou Bytof

Violence, terror, crime, life-threatening injuries, street gangs, and millions of dollars in mob payoffs once permeated the young life of a local woman.

"I want to show you from where the Lord has taken me," Lisa Carmelle told a roomful of people last Tuesday at the Calvary United Methodist Church.

Many Christians pray for miracles in their lives, but making my life ordinary was the miracle the Lord has given me, said the 46-year-old blind woman said.

"That power is not only there to change my life, but it is there to change yours, too," she added.

With her Golden Retriever sight dog, Demetri, at her side, Carmelle proceeded to tell the audience of the long and troubled years she lived in spiritual as well as physical darkness.

Carmelle was born to teenage Russian immigrants who had spent time in a Nazi concentration camp in France.

The fact that I was born on a ship somewhere in the mid-Atlantic could have been an

omen signaling my former turbulent lifestyle, she joked.

Her family resided in a poor, immigrant neighborhood in Brooklyn where a different language was spoken on every block. Alcoholism and violence were rife there, and young Carmelle soon became one of its victims.

When she was four-years-old, Carmelle's 23-year-old father succumbed to cancer. Her teenage mother soon married an abusive alcoholic who regularly beat his young stepdaughter.

Not only did she endure the domestic abuse, but she also became a victim of the seamy Brooklyn waterfront.

For decades, New York Harbor's bawling waterfront was ruled by a Who's Who of crime, organized into the International Longshoremen's Association, according to a Newsweek article dated September 1955.

In 1953, just before her ninth birthday, a group called Murder Incorporated was responsible for blowing up the tenement building

in which she lived, Carmelle said. The force of the explosion threw the young girl approximately 20 yards into a wall.

Carmelle said she spent six months in a coma. "When I came out of the coma at age 9-1/2, I was a baby again," she recalled. She said she totally lost her ability to speak both the Russian and English languages.

After awakening from the coma, the girl spent an additional year in the hospital. During her convalescence, Carmelle's mother only visited her twice, she said. The stepfather forbade his wife to visit her, she explained.

Carmelle credits the nuns from the parochial school which she had attended for helping her toward recovery. They regularly provided the young girl with the necessary physical and speech therapy. For this, Carmelle said she is grateful.

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Photo by David March

Lisa Carmelle with her adopted daughter, Sasha, and her faithful guide dog, Demetri. Sasha, who recently became a U.S. Citizen, is from Costa Rica.